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			2682	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/711,590

Applicant(s)

WILKINSON, JEFFREY MILES

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 pages</u> . | 6) <input type="checkbox"/> Other: _____  |

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### ***Statutory Double Patenting***

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claim 48 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of prior U.S. Patent No. 6,907,225. This is a double patenting rejection.

Claim 57 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 20 of prior U.S. Patent No. 6,907,225. This is a double patenting rejection.

### ***Nonstatutory Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 46 and 49 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2, respectively, of U.S. Patent No.

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6,907,225. Although the conflicting claims are not identical, they are not patentably distinct from each other because the same subject matter is claimed, previously allowed limitations having only been moved to a dependent claim, (see statutory double patenting rejection, above). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to make the claim broader, as removing a step or limitation is not sufficient make a claim patentably distinct.

Claims 56 and 61 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20 and 27, respectively, of U.S. Patent No. 6,907,225. Although the conflicting claims are not identical, they are not patentably distinct from each other because the same subject matter is claimed, previously allowed limitations having only been moved to a dependent claim, (see statutory double patenting rejection, above). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to make the claim broader, as removing a step or limitation is not sufficient make a claim patentably distinct.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 3,7-11, 13,17, 20, 22, 26-31, 33-37, 39 and 42-45 are rejected under 35

U.S.C. 102(e) as being anticipated by Henrick (6,507,727).

Regarding claim 1, Henrick discloses a content distribution method, comprising steps of:

(i) a content server receiving a first request for available content items from a mobile unit over a wireless medium, wherein the mobile unit is located within a short range wireless operational area served by a transceiver of the content server; (Col. 4 lines 13-44; col. 6 lines 3-9)

(ii) the content server transmitting a first response to the mobile unit via the transceiver, wherein the first response comprises information associated with available content items; (Col. 4 lines 24-39)

(iii) the content server receiving a second request for a specific content item from the mobile unit via the transceiver; (Col. 4 lines 46-53)

(iv) transmitting a second response from the content server to the mobile unit via the transceiver, wherein the second response comprises data corresponding to the specific content item, wherein the mobile unit accesses the content item using said accessibility data.. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 3, Henrick discloses the method of claim 1, wherein the second response comprises the specific content item. (Col. 4 line 64-Col. 5 line 7)

Regarding claim 7, Henrick discloses the method of claim 1, further comprising the step of authenticating the mobile unit prior to transmitting the first response by the content server via the transceiver. (Col. 4 lines 24-53)

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Regarding claim 8, Henrick discloses the method of claim 1, further comprising the step of authenticating the mobile unit prior to transmitting the second response by the content server via the transceiver. (Col. 4 lines 24-53)

Regarding claim 9, Henrick discloses the method of claim 1, wherein the mobile unit comprises a mobile telephone. (Col. 6 lines 3-9)

Regarding claim 10, Henrick discloses the method of claim 1, wherein the mobile unit comprises a personal digital assistant. (Col. 6 lines 3-9)

Regarding claim 11, Henrick discloses the method of claim 1, wherein the mobile unit comprises a laptop computer. (Col. 6 lines 3-9)

Regarding claim 13, Henrick discloses the method of claim 1, wherein a first specific content item is available according to a first set of predetermined conditions and a second specific content item is available according to a second set of predetermined conditions. (Col. 3 lines 60-col. 4 line 4; col. 4 lines 39-41)

Regarding claim 17, Henrick discloses the method of claim 13, wherein the first set of predetermined conditions comprises a password-based condition. (Col. 3 lines 60-col. 4 line 4; col. 4 lines 39-41)

Regarding claim 20, Henrick discloses a content server, comprising: a processor; a transceiver for receiving requests from and transmitting responses to a mobile unit within a short range wireless operational area served by the content server; (col. 6 lines 3-9); memory for storing computer readable instructions that, when executed by the processor, cause the content server to perform the steps of: (i) receiving a first request from the mobile unit for available content item via the transceiver; (Col. 4 lines 13-44) (ii) transmitting a first response to the

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mobile unit, wherein the first response comprises information associated with available content items via the transceiver; (Col. 4 lines 24-39) (iii) receiving a second request for a specific content item from the mobile unit via the transceiver (Col. 4 lines 46-53); and (iv) transmitting a second response to the mobile unit via the transceiver, wherein the second response comprises accessibility data corresponding to the specific content item, wherein the mobile unit accesses the content item using said accessibility data.. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 22, Henrick discloses the content server of claim 20, wherein the second response comprises the specific content item. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 26, Henrick discloses the content server of claim 20, wherein the computer readable instructions further cause the content server to perform the step of authenticating the mobile unit prior to transmitting the first response via the transceiver. (Col. 4 lines 24-53)

Regarding claim 27, Henrick discloses the content server of claim 20, wherein the computer readable instructions further cause the content server to perform the step of authenticating the mobile unit prior to transmitting the second response via the transceiver. (Col. 4 lines 24-53)

Regarding claim 28, Henrick discloses the content server of claim 20, wherein the mobile unit comprises a mobile telephone. (Col. 6 lines 4-9)

Regarding claim 29, Henrick discloses the content server of claim 20, wherein the mobile unit comprises a personal digital assistant. (Col. 6 lines 4-9)

Regarding claim 30, Henrick discloses the content server of claim 20, wherein the mobile unit comprises a laptop computer. (Col. 6 lines 4-9)

Regarding claim 31, Henrick discloses a computer readable medium storing computer readable instructions that, when executed by one or more processors, cause a content server to perform the steps of:

(i) receiving a first request for available content items from a mobile unit within short range wireless operational area served by a transceiver of the content server; (Col. 4 lines 13-44)

(ii) transmitting a first response to the mobile unit via the transceiver, wherein the first response comprises information associated with available content items; (Col. 4 lines 24-39)

(iii) receiving a second request for a specific content item from the mobile unit via the transceiver (Col. 4 lines 46-53); and

(iv) transmitting a second response to the mobile unit via the transceiver, wherein the second response comprises accessibility data corresponding to the specific content item, wherein the mobile unit accesses the content item using said accessibility data.. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 33, Henrick discloses the computer readable medium of claim 31, wherein the second response comprises the specific content item. (Col. 4 line 64-Col. 5 line 7)

Regarding claim 34, Henrick discloses the computer readable medium of claim 31, wherein the computer readable instructions further cause the content server to perform the step of authenticating the mobile unit prior to transmitting the first response via the transceiver. (Col. 4 lines 24-53)

Regarding claim 35, Henrick discloses the computer readable medium of claim 31, wherein the computer readable instructions further cause the content server to perform the step of



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authenticating the mobile unit prior to transmitting the second response via the transceiver. (Col. 4 lines 24-53)

Regarding claim 36, Henrick discloses the computer readable medium of claim 31, wherein the mobile unit comprises a mobile telephone. (Col. 6 lines 4-9)

Regarding claim 37, Henrick discloses A mobile unit, comprising: a transceiver that communicates with a content server when the mobile unit is within a short range wireless operational area served by the content server; a processor; memory for storing computer readable instructions that, when executed by the processor, cause the mobile unit to perform the steps of

(i) sending a first request for available content items to the content server; (Col. 4 lines 13-44)

(ii) receiving a first response from the content server, wherein the first response comprises information associated with available content items; (Col. 4 lines 24-39)

(iii) sending a second request for a specific content item to the content server (Col. 4 lines 46-53); and

(iv) receiving a second response from the content server, wherein the second response comprises accessibility data corresponding to the specific content item, wherein the mobile unit accesses the content item using said accessibility data. (Col. 4 line 64-Col. 5 line 45)

Regarding claim 39, Henrick discloses the mobile unit of claim 37, wherein the second response comprises the specific content item. (Col. 4 line 64-Col. 5 line 7)

Regarding claim 42, Henrick discloses the mobile unit of claim 37, comprising a mobile telephone. (Col. 6 lines 4-9)

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Regarding claim 43, Henrick discloses the mobile unit of claim 37, comprising a personal digital assistant. (Col. 6 lines 4-9)

Regarding claim 44, Henrick discloses the mobile unit of claim 37, comprising a laptop computer. (Col. 6 lines 4-9)

Regarding claim 45, Henrick discloses the mobile unit of claim 37, wherein the computer readable instructions further cause the mobile unit to perform the step of sending authentication information to the content server. (Col. 4 lines 24-53; Col. 5 lines 11-24)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 12, 14-16, 18-21, 32 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wegener (6,490,432) in view of Henrick (6,507,727).

Regarding claim 1, Wegener discloses a content distribution method, comprising steps of:

(i) a content server receiving a first request for available content items from a mobile unit over a wireless medium, wherein the mobile unit is located within a wireless area served by the content server (Col. 7 lines 42-67);

(ii) the content server transmitting a first response to the mobile unit, wherein the first response comprises information associated with available content items; (Col 7 lines 42-67)

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(iii) the content server receiving a second request for a specific content item from the mobile unit; (Col. 8 lines 11-13)

(iv) transmitting a second response from the content server to the mobile unit, wherein the second response comprises accessibility data corresponding to the specific content item; wherein the mobile unit accesses the content item using said accessibility data. (Col. 7 lines 51-67) but does not expressly disclose short range. Henrick discloses short-range content distribution. (col. 6 lines 3-9) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use content distribution in a short range environment in order to save power and take advantage of the proliferation of available short range networks.

Regarding claim 2, the combination of Wegener and Henrick discloses the method of claim 1, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

Regarding claim 12, the combination of Wegener and Henrick the method of claim 3, further comprising the steps of:

(v) opening a data channel between the mobile unit and a remote storage device; and

(vi) sending the specific content item to the remote storage device via the data channel.

(Wegener Col. 8 lines 52-67)

Regarding claim 14, the combination of Wegener and Henrick discloses the method of claim 13, wherein the first set of predetermined conditions comprises a time-based condition.

(Wegener Col. 5 lines 29-41)

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Regarding claim 15, the combination of Wegener and Henrick discloses the method of claim 13, wherein the first set of predetermined conditions comprises a date-based condition. (Wegener Col. 5 lines 29-41)

Regarding claim 16, the combination of Wegener and Henrick discloses the method of claim 13, wherein the first set of predetermined conditions comprises a user-based condition. (Wegener Col. 8 lines 20-38)

Regarding claim 18, Wegener discloses the content server of claim 20, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

Regarding claim 19, the combination of Wegener and Henrick discloses the method of claim 3, further comprising the step of downloading the specific content item from the mobile unit to a destination computer. (Col Wegener Col. 8 lines 52-67)

Regarding claim 21, Wegener discloses the content server of claim 20, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

Regarding claim 32, the combination of Wegener and Henrick discloses the computer readable medium of claim 31, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

Regarding claim 38, the combination of Wegener and Henrick discloses the mobile unit of claim 37, wherein the second response comprises a pointer to the specific content item. (Wegener Col. 7 lines 51-67)

7. Claims 4-5, 23-24, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrick (6,507,727) in view of Levy (6,505,160).

Regarding claims 4, Henrick discloses the method of claim 1, but does not expressly disclose low power radio. Levy discloses content distribution using low power radio. (Col. 5 lines 51-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use low power radio for wireless communications in order to save power in short range communications with the additional advantage that line of sight is not required.

Regarding claim 5, the combination of Henrick and Levy disclose the method of claim 4, wherein the wireless medium comprises Bluetooth protocols. (Col. 5 lines 51-66)

Regarding claim 23, the content server of claim 20, wherein the transceiver receives requests and sends responses using low power radio. Levy discloses content distribution using low power radio. (Col. 5 lines 51-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use low power radio for wireless communications in order to save power in short range communications with the additional advantage that line of sight is not required.

Regarding claim 24, the combination of Henrick and Levy discloses the content server of claim 23, wherein the transceiver receives requests and sends responses using Bluetooth protocols. (Col. 5 lines 51-66)

Regarding claim 40. The mobile unit of claim 37, wherein the transceiver sends requests and receives responses using low power radio. Levy discloses content distribution using low power radio. (Col. 5 lines 51-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use low power radio for wireless communications in order to save power in short range communications with the additional advantage that line of sight is not required.

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Regarding claim 41 the combination of Henrick and Levy discloses the mobile unit of claim 40, wherein the transceiver sends requests and receives responses using Bluetooth protocols. (Col. 5 lines 51-66)

8. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrick in view of Callway et al (US 2003/0027517).

Regarding claim 6, Henrick discloses the limitations of claim 1, but does not disclose infrared. Callway discloses a content distribution system using infrared communications. [0015] Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to in the communications system, infrared requiring less power than radio communications.

Regarding claim 25, Henrick discloses the limitations of claim 20, but does not disclose infrared. Callway discloses a content distribution system using infrared communications. [0015] Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to in the communications system, infrared requiring less power than radio communications.

9. Claims 46, 47, 49, 51, 54-56, 58-59, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha (6,173,317) in view of Henrick (6,507,727).

Regarding claim 46, discloses a content distribution method, comprising steps of: (i) a content server receiving a request for content from a unit, wherein the unit is located within an area served by the content server; (Col. 5 lines 10-29)

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(ii) the content server identifying data corresponding to a video display image displayed at a time when the request is received (Col. 7 lines 7-14); and

(iii) the content server sending a response to the unit, wherein the response comprises a data file corresponding to the identified data. (Col. 7 lines 15-31)

but does not expressly disclose mobility. Henrick discloses an audio and video download/capture system that uses a wireless network connection to communicate. (Col. 4 lines 13-44; col. 6 lines 3-9) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a wireless network for communication with the server to enhance mobility and avoid unnecessary wiring.

Regarding claim 47, the combination of Chaddha and Henrick discloses the method of claim 46, wherein the data file comprises a pointer to a storage location of the identified data. (Col. 7 lines 26-31)

Regarding claim 49, the combination of Chaddha and Henrick discloses a data in a native file format of which the image is generated. (Col. 7 lines 15-31, Col. 9 lines 56-62)

Regarding claim 51, Henrick discloses a content server, comprising: a processor; a transceiver; memory for storing computer readable instructions (Col. 5 lines 10-29) that, when executed by the processor, cause the content server to perform the steps of:

(i) receiving a request for content from a mobile unit within a wireless area served by the content server; (Col. 7 lines 7-14);

(ii) identifying data corresponding to a video display image displayed at a time when the request is received; (Col. 7 lines 15-31) and

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(iii) sending a response to the mobile unit, wherein the response comprises a data file corresponding to the identified data. ((Col. 7 lines 15-31)

but does not expressly disclose mobility. Henrick discloses an audio and video download/capture system that uses a wireless network connection to communicate. (Col. 4 lines 13-44; col. 6 lines 3-9) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a wireless network for communication with the server to enhance mobility and avoid unnecessary wiring.

Regarding claim 54, the combination of Chaddha and Henrick discloses a data in a native file format of which the image is generated. (Col. 7 lines 15-31, Col. 9 lines 56-62)

Regarding claim 55, the combination of Chaddha and Henrick discloses the content server of claim 51, wherein the response data file comprises a pointer to a network location at which a representation of the displayed video display image is stored. (Col. 7 lines 26-31)

Regarding claim 56, Chaddha discloses a mobile unit, comprising: a transceiver that communicates with a content server when the mobile unit is within the wireless area served by the content server; a processor; memory for storing computer readable instructions (Col. 5 lines 10-29) that, when executed by the processor, cause the mobile unit to perform the steps of

(i) sending a request for content to the content server; (Col. 7 lines 7-14); and  
(ii) receiving data from the content server, said data corresponding to a video image displayed at a time when the content server receives the request for video content. (Col. 7 lines 15-31) but does not expressly disclose mobility.

Henrick discloses an audio and video download/capture system that uses a wireless network connection to communicate. (Col. 4 lines 13-44; col. 6 lines 3-9) Therefore it would



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have been obvious to one of ordinary skill in the art at the time of the invention to use a wireless network for communication with the server to enhance mobility and avoid unnecessary wiring.

Regarding claim 58, the combination of Chaddha and Henrick discloses the mobile unit of claim 56, wherein the data corresponding to the video image comprises a pointer to a network location at which a representation of the video image is stored. (Col. 7 lines 26-31)

Regarding claim 59, the combination of Chaddha and Henrick discloses the mobile unit of claim 58, wherein the computer readable instructions further cause the mobile unit to perform the step of downloading the pointer from the mobile unit to a destination computer so that the destination computer can retrieve the specific content item from a network location defined by the pointer. (Col. 7 lines 15-31)

Regarding claim 61, the combination of Chaddha and Henrick discloses a data in a native file format of which the image is generated. (Col. 7 lines 15-31, Col. 9 lines 56-62)

10. Claims 50 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha (6,173,317) in view of Henrick (6,507,727) further in view of Wegener.

Regarding claim 50, the combination of Chaddha and Henrick discloses the method of claim 47, but does not disclose the further steps of: (iv) downloading the pointer from the mobile unit to a destination computer; and (v) the destination computer retrieving the identified data from the storage location. Wegener discloses forwarding content, including pointers, to a computer for later access. (Wegener Col. 7 lines 51-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to forward pointers to the content in order to give link options that provide flexibility and may save connection costs.

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Regarding claim 60, the combination of Chaddha and Henrick discloses the mobile unit of claim 56, further comprising the step of downloading the data from the mobile unit to a destination computer. Wegener discloses forwarding data, including pointers, to a computer for later access. (Wegener Col. 7 lines 51-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to forward pointers to the content in order to give link options that provide flexibility and may save connection costs.


***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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LEE NGUYEN  
PRIMARY EXAMINER